



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

FEB 27 2015

GENERAL NOTICE LETTER -- URGENT LEGAL MATTER

PROMPT REPLY NECESSARY, CERTIFIED MAIL: #7010 2780 0002 4354 9259

RETURN RECEIPT REQUESTED

Prentice Hall Corporation, Registered Agent for Praxair, Inc.
211 E. 7th Street, Suite 620
Austin, Texas 78701-3218

RE: General Notice Letter for the CES Environmental Services, Inc. - Houston Superfund Site in
Houston, Harris County, Texas

Dear Sir/Madam:

The purpose of this letter is to notify you of your potential liability at the CES Environmental Services, Inc.- Houston Superfund Site (Site) and to invite you to join in settlement negotiations with the U.S. Environmental Protection Agency (EPA). The street address for the Site is 4904 Griggs Road, Houston, Harris County, Texas. The street addresses of the contiguous properties that are parts of the Site are 4900 Griggs Road and 5910 Wayland Street. The Site is surrounded by residential, educational and commercial properties. Based on available information, the EPA has determined that you may be responsible under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, for cleanup of the Site or costs the EPA has incurred in cleaning up the Site.

Explanation of Potential Liability

A Superfund Site is a place that is contaminated with hazardous substances at levels that may present a threat to human health or the environment. Under Sections 106 and 107 of CERCLA, 42 U.S.C. §§ 9606 and 9607, potentially responsible parties (PRPs) may be required to perform cleanup actions to protect the public health and welfare or the environment. PRPs may also be responsible for costs incurred by the EPA in cleaning up the Site. PRPs include current and former owners and operators of the Site, as well as persons who sent or transported hazardous substances to the Site for disposal or treatment or who arranged for the disposal or treatment of hazardous substances at the Site.

Under CERCLA, specifically Sections 106(a) and 107(a), PRPs may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by the EPA in cleaning up the Site, unless the PRP can show divisibility of harm or any of the statutory defenses. PRPs include current and former owners and operators of a site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

You have been identified as a PRP who either sent hazardous substances for disposal or treatment to the Site or generated certain hazardous substances that the EPA has found at the Site. For this reason the attached General Notice concerning the removal action (Enclosure 1) is being sent to you. The General Notice requests your cooperation in conducting the on-going removal action at the Site and for reimbursement of past and future costs. Enclosure 2 contains copies of the documents used to identify you as a PRP. Enclosure 3 contains a list of the entities who are receiving this General Notice.

Site Background

This Site is a former chemical recycling facility that filed for bankruptcy in 2010. Prior to the bankruptcy, the Site had been owned and operated by CES Environmental Services, Inc. The Site is now under the control of a Trustee for the Estate appointed by the Bankruptcy Court. The Estate does not have the funding necessary to address the conditions at the Site. The Site consists of approximately eleven vacuum boxes, two roll-off boxes, twelve frac tanks, two tanker trailers, 20 aboveground storage tanks, 15 waste water treatment tanks, waste piles, and numerous totes, vats, drums, and smaller containers. Additionally, there was spillage of chemicals to exterior surfaces as well as building interiors. The Site has experienced significant vandalism since its bankruptcy in 2010. Additionally, recent spills have occurred due to vandalism which has resulted in the spillage of chemicals and waste to the ground surface and into an adjacent residential neighborhood. Removal is time critical per the Action Memo.

The information provided by the Estate's consultant shows that there are hazardous wastes along with various hazardous substances within containers located on the Site. The hazardous substances include but are not limited to benzene (D018), creosol (D023-026), 2,4,6-trichlorophenol (D042), pH (D002), ignitability (D001), MEK (D035), and 1,2-dichloroethane (D028). These chemicals are hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. 9601(14), and further defined at 40 C.F.R. 302.4.

Response Actions to Date

On or about September 3, 2014, the EPA mobilized its contractors to begin addressing the wastes and spills at the Site. The EPA's Time Critical Removal Action has addressed the following:

1. Management of stormwater to reduce off-site overflow of contaminated stormwater from the Site.
2. Removal of wastes from ten of twelve vacuum boxes and from two of two roll-off boxes.
3. Removal of wastes from eight of twelve frac tanks. Three frac tanks currently hold wastes.
4. Removal of liquid, i.e., pump able, wastes from eleven of twenty-three aboveground storage tanks (AST). Sludge and residual materials remain until sludge removal and tank cleaning of ASTs is completed.
5. Empty totes/drums have been segregated for temporary storage.
6. Waste piles dumped to the ground from the theft of seven roll-off boxes was removed by the Trustee.
7. Lab chemicals/company process samples were collected and disposed by the Trustee.
8. Process chemicals were collected and disposed by the Trustee.

Upon reviewing the enclosed General Notice, please provide a written response to Mr. Robert Werner, Enforcement Officer at 214-665-6724 within **60 calendar days** after you receive this letter. Your response must identify of your intent to, or not to, enter into settlement negotiations with the EPA concerning this matter. Please mail your written response to Mr. Werner at the address that appears in the General Notice.

We look forward to working with you during the coming months.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Carl E. Edlund, P.E.", with a flourish at the end.

Carl E. Edlund, P.E.

Director

Superfund Division

Enclosures (4)

ENCLOSURE 1
GENERAL NOTICE REGARDING
CES ENVIRONMENTAL SERVICES, INC.- HOUSTON
HOUSTON, HARRIS COUNTY, TEXAS

This General Notice is from the U.S. Environmental Protection Agency (EPA). This General Notice is directed to you, the Potentially Responsible Party (PRP) of the CES Environmental Services, Inc.- Houston Site (Site). This General Notice does five things:

1. This General Notice tells you that you may be responsible for the presence of hazardous substances found at the Site. When we say "Site" or "property" in this General Notice, we mean the CES Environmental Services, Inc.- Houston Site. The street address for the Site is 4904 Griggs Road, Houston, Harris County, Texas. The street addresses of the contiguous properties that are parts of the Site are 4900 Griggs Road and 5910 Wayland Street. This General Notice is issued under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund).
2. This General Notice provides you with background information leading up to the EPA's investigation of the Site and the EPA's activities to determine the source(s) of the contamination at the Site.
3. This General Notice invites you to meet and enter a settlement with the EPA as a Settling Party regarding the cleanup of this Site and cooperation in conducting the on-going removal action at the Site and for reimbursement of past and future costs.
4. This General Notice advises you that, if you request the EPA to do so, the EPA will consider your ability to pay in determining an appropriate settlement amount.
5. This General Notice provides to you the names of all entities, i.e., PRPs, to which this General Notice will be mailed.

NOTICE THAT YOU MAY BE LIABLE

Under Section 107 of CERCLA, 42 U.S.C. § 9607, responsible parties are those who are current owners or operators of a facility, past owners or operators who owned or operated the facility at the time hazardous substances were released or disposed of at the facility, persons who arranged for disposal or treatment at the facility (usually the person(s) who generated the hazardous substance) or persons who selected that facility and transported the hazardous substances to the facility. Section 107 of CERCLA, 42 U.S.C. § 9607, states that responsible parties are liable to the United States for the costs it has incurred or will incur conducting a response action such as that proposed for the Site. A PRP is therefore responsible for performing the cleanup action in accordance with the EPA requirements, paying for the cleanup by the EPA and reimbursing the Federal Government for past and future costs of the cleanup activities.

BACKGROUND

This Site is a former chemical recycling facility that filed for bankruptcy in 2010. Prior to the bankruptcy, the Site had been owned and operated by CES Environmental Services, Inc. The Site is now under the control of a Trustee for the Estate appointed by the Bankruptcy Court. The Estate does not have the funding necessary to address the conditions at the Site. The Site consists of approximately eleven vacuum boxes, two roll-off boxes, twelve frac tanks, two tanker trailers, twenty aboveground storage tanks, fifteen waste water treatment tanks, waste piles, and numerous totes, vats, drums, and smaller containers. Additionally, there is spillage of

chemicals to exterior surfaces as well as building interiors. The Site has experienced significant vandalism since its bankruptcy in 2010. Additionally, recent spills have occurred due to vandalism which has resulted in the spillage of chemicals and waste to the ground surface and into an adjacent residential neighborhood. Emergency responses to these spills have involved the Estate, City of Houston, Texas Commission on Environmental Quality (TCEQ) and the EPA. These spill responses were addressed by TCEQ and the EPA.

The information provided by the Estate's consultant shows that there are hazardous wastes along with various hazardous substances within containers located on the Site. The hazardous substances include but are not limited to Benzene (D018), Creosol (D023-026), 2,4,6-Trichlorophenol (D042), pH (D002), Ignitability (D001), MEK (D035), and 1,2-Dichloroethane (D028). These chemicals are hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. 9601(14), and further defined at 40 C.F.R. 302.4.

Response Actions to Date

On or about September 3, 2014, the EPA mobilized its contractors to begin addressing the wastes and spills at the Site. As of December 19, 2014, the EPA Team has addressed the following:

1. Management of stormwater to reduce off-site overflow of contaminated stormwater from the Site.
2. Removal of wastes from ten of twelve vacuum boxes and from two of two roll-off boxes.
3. Removal of wastes from eight of twelve frac tanks. Three frac tanks currently hold wastes.
4. Removal of liquid, i.e., pump able, wastes from eleven of twenty-three aboveground storage tanks (AST). Sludge and residual materials remain until sludge removal and tank cleaning of ASTs is completed.
5. Empty totes/drums have been segregated for temporary storage.
6. Waste piles dumped to the ground from the theft of seven roll-off boxes was removed by the Trustee.
7. Lab chemicals/company process samples were collected and disposed by the Trustee.
8. Process chemicals were collected and disposed by the Trustee.

PARTICIPATION

The EPA is inviting you to enter into a settlement with the EPA. In addition to avoiding the costs of litigation, settling with the EPA provides you with another advantage. Under the Superfund law, settling with the EPA helps protect you should another responsible party sue you for costs which that party pays to the EPA. Also, if you choose not to settle with the EPA, then the EPA may take civil administrative action and, ultimately, the EPA may request civil judicial action. A list of entities receiving this General Notice letter is included as Enclosure 3 to this letter.

OPPORTUNITY TO MEET

The EPA will also provide you the opportunity to meet with the EPA representatives to discuss your desire to enter into a settlement with the EPA.

FINANCIAL CONCERNS/ABILITY TO PAY SETTLEMENTS

The EPA is aware the financial ability of some PRPs to contribute toward the cleanup and/or payment of response costs at a site may be substantially limited. If you believe and can document that you fall within that category, please contact Mr. Robert Werner at 214-665-6724 for information on "Ability to Pay Settlements." In response, you will receive a package of information about the potential for such settlements. If the EPA concludes that you have a legitimate inability to pay the full amount of the EPA's costs, the EPA may offer a schedule for payment over time or a reduction in the total amount demanded from you.

Also, please note that because the EPA has a potential claim against you, if your financial status changes in any significant way, i.e., filing for bankruptcy, you must include the EPA as a creditor.

RESOURCES AND INFORMATION FOR SMALL BUSINESSES

On January 11, 2002, President Bush signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may obtain a copy of the law via the Internet at:

<http://www.epa.gov/swerosps/bf/sblbra.htm>

and review the EPA guidance regarding these exemptions at:

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund>

The EPA has created a number of helpful resources for small businesses. The EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers, which offer various forms of resources to small businesses. You may inquire about these resources at www.epa.gov.

In addition, the EPA Small Business Ombudsman may be contacted at www.epa.gov/sbo. Finally, the EPA developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act (SBREFA), which is enclosed with this letter (Enclosure 4).

YOUR RESPONSE TO EPA

Please notify Mr. Werner in writing at the address indicated below *within 60 calendar days after you receive this letter* to indicate your willingness to enter in good faith as a Settling Party. **If the EPA does not receive your written response within 60 calendar days after you receive this letter, the EPA will assume you do not wish be a Settling Party and the EPA will then take whatever actions are necessary to abate the potential threat to human health and the environment posed by contaminants on the property.**

Your response to this letter should be directed to:

Mr. Robert Werner
Enforcement Officer (6SF-TE)
United States Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, Texas 75202
Telephone: 214-665-6724, Fax: 214-665-6660
werner.robert@epa.gov

If you or your attorney have legal questions pertaining to this matter, please direct them to:

Ms. Amy Salinas
Assistant Regional Counsel (6RC-S)
United States Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, Texas 75202
Telephone: 214-665-8063, Fax: 214-665-6460
salinas.amy@epa.gov

The discussions of fact or law in this General Notice are meant to help you understand CERCLA and the EPA's actions at the Site. The discussions of fact and law are not final positions on any matter discussed in this General Notice.

ENCLOSURE 2
GENERAL NOTICE REGARDING
CES ENVIRONMENTAL SERVICES, INC.- HOUSTON
HOUSTON, HARRIS COUNTY, TEXAS

EVIDENTIARY DOCUMENTATION

SAMPLES OF EVIDENCE

Enclosed are copies of samples of documented evidence that identifies the name of your company. The examples are not intended to represent all the evidence in CES records. It is only a representative sample that identifies:

1. A waste hazardous substance that was generated by your company and was transported to the Site for disposal and/or recycling, or
2. A waste hazardous substance that was generated by your company and that was transported in a CES tanker trailer to a facility other than the Site for disposal and/or recycling. The EPA believes that residue of the waste hazardous substance that had been transported in the CES tanker trailer was released at the Site when the interior of the CES tanker trailer was cleaned at the Site.

**CES Environmental
Services, Inc.**

Bill Of Lading # : 85678

Folder ID : Praxair-Texas City
Universal waste

Original - Shipper Provided Short Form Straight Bill of Lading - Not Negotiable - Domestic

SHIPPED FROM :

Praxair-Texas City
1720 Grant Ave
Texas City, TX 77590
(409) 643-5610

This is to certify that the above-named materials are

11a) HOU-1985

11b)

11c)

11c)

The property described below, in apparent good order, except as noted (content and condition of packages unknown), marked, consigned, and destined as indicated below, which said carrier (the word carrier being understood throughout this as meaning any person or corporation authorized to be in possession of the property under the contract) agrees to carry to its unusual place of delivery at said destination, if on its route, otherwise to deliver to another carrier on the route to said destination. This Bill of Lading is a receipt for goods; it is not of itself a contract of carriage. It is mutually agreed, as to each carrier of all or as to any said over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the terms and conditions contained in the applicable contract between shipper and carrier or intermediary.

For payment: Charges to be billed to Shipper or the "Billed to" party are set forth in the governing contract with Shipper. No charges other than those contained therein may be billed to Shipper or the "Billed to" party without prior written consent of Shipper. The extra copy of this Bill of Lading, furnished at the time of shipment, must be attached to the freight bill submitted to Shipper or the "Billed to" party and sent to:

CONSIGNEE TO :

CES Environmental Services, Inc.
4904 Griggs Rd.
Houston, TX 77021

CARRIER :

CES Environmental Services, Inc.
4904 Griggs Rd.
Houston, TX 77021

This is to certify that the product stated below are properly classified, described, packaged, marked and labeled and is in proper condition for transportation according to the applicable regulations of the Department of Transportation. If this Shipment moves between to ports by a carrier by water, the law requires that the Bill of Lading shall state whether it is "carrier's or shipper's weight."

Intermodal Certificate: All information required by Federal Highway Administration regulations at 49 CFR 390.54 implementing the Intermodal Safe Container Act of 1992 is set forth on the face of this bill of lading. The shipper name herein is the tendering party.

Haz	Container		Total Quantity	Unit Wt/Vol	Description of Materials, Special Marks, and Exceptions
	No.	Type			
Yes	1	CF	30	Each	4foot Environmentally Hazardous Substance, solid (fluorescent bulbs)

Shipper : Praxair-Texas City

Per : Marilyn Hall Signature : _____ Date : 5/4/09

Carrier CES Environmental Services, Inc.

Per : LOREN THOMAS Signature : Loren Thomas Date : 5/4/09

Receiving Facility CES Environmental Services, Inc.

Per : SAM BROWN Signature : SR Date : 5-4-09

White (Generator Return Copy)

Yellow (Transporter Copy)

Pink (Receiving Facility Copy)

Golden Rod (Generator 1st Copy)

EPAHO001001146

**CES Environmental
Services, Inc.**

Bill Of Lading # :

85494

Folder ID :

Praxair-Texas City
Universal waste

Original - Shipper Provided Short Form Straight Bill of Lading - Not Negotiable - Domestic

SHIPPED FROM :

CES Environmental Services, Inc.
4904 Griggs Rd
Houston, TX 77021
(713) 676-1460

11a)

11b)

11c)

11c)

The property described below, in apparent good order, except as noted (content and condition of packages unknown), marked, consigned, and destined as indicated below, which said carrier (the word carrier being understood throughout this as meaning any person or corporation authorized to be in possession of the property under the contract) agrees to carry to its usual place of delivery at said destination, if on its route, otherwise to deliver to another carrier on the route to said destination. This Bill of Lading is a receipt for goods; it is not of itself a contract of carriage. It is mutually agreed, as to each carrier of all or as to any said over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the terms and conditions contained in the applicable contract between shipper and carrier or intermediary.

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CONSIGNEE TO :

Praxair-Texas City
1720 Grant Ave
Texas City, TX 77590

CARRIER :

CES Environmental Services, Inc.
4904 Griggs Rd.
Houston, TX 77021

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Intermodal Certificate: All information required by Federal Highway Administration regulations at 49 CFR 390.54b implementing the Intermodal Safe Container Act of 1992 is set forth on the face of this bill of lading. The shipper name herein is the tendering party.

Haz	Container		Total Quantity	Unit Wt/Vol	Description of Materials, Special Marks, and Exceptions
	No.	Type			
No	2	CF	4	Each	(2) 4ft BOXES (2) 8ft BOXES Light box
No	1	DF	1	Each	poly drum

~~No~~ ~~Pickup~~ ~~1 BOX WITH LIGHT BULBS~~ ~~SEE~~

Shipper : CES Environmental Services, Inc.

Per : LOREN THOMAS

Signature :

Loren Thomas

Date : 5-4-09

Carrier CES Environmental Services, Inc.

Per : LOREN THOMAS

Signature :

Loren Thomas

Date : 5-4-09

Receiving Facility Praxair-Texas City

Per : Marilyn Hall

Signature :

Marilyn Hall

Date : 5/4/09

White (Generator Return Copy)

Yellow (Transporter Copy)

Pink (Receiving Facility Copy)

Golden Rod (Generator 1st Copy)

**CES Environmental
Services, Inc.**

Bill Of Lading # : 85678

Folder ID : Praxair-Texas City
Universal waste

Original - Shipper Provided Short Form Straight Bill of Lading - Not Negotiable - Domestic

SHIPPED FROM :

Praxair-Texas City
1720 Grant Ave
Texas City, TX 77590
(409) 643-5610

This is to certify that the above-named materials are

11a) HOU-1985

11b)

11c)

11c)

The property described below, in apparent good order, except as noted (content and condition of packages unknown), marked, consigned, and destined as indicated below, which said carrier (the word carrier being understood throughout this as meaning any person or corporation authorized to be in possession of the property under the contract) agrees to carry to its unusual place of delivery at said destination, if on its route, otherwise to deliver to another carrier on the route to said destination. This Bill of Lading is a receipt for goods; it is not of itself a contract of carriage. It is mutually agreed, as to each carrier of all or as to any said over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the terms and conditions contained in the applicable contract between shipper and carrier or intermediary.

For payment: Charges to be billed to Shipper or the "Billed to" party are set forth in the governing contract with Shipper. No charges other than those contained therein may be billed to Shipper or the "Billed to" party without prior written consent of Shipper. The extra copy of this Bill of Lading, furnished at the time of shipment, must be attached to the freight bill submitted to Shipper or the "Billed to" party and sent to:

CONSIGNEE TO :

CES Environmental Services, Inc.
4904 Griggs Rd.
Houston, TX 77021

CARRIER :

CES Environmental Services, Inc.
4904 Griggs Rd.
Houston, TX 77021

This is to certify that the product stated below are properly classified, described, packaged, marked and labeled and is in proper condition for transportation according to the applicable regulations of the Department of Transportation. If this shipment moves between to ports by a carrier by water, the law requires that the Bill of Lading shall state whether it is "carrier's or shipper's weight."

Intermodal Certificate: All information required by Federal Highway Administration regulations at 49 CFR 390.54b Implementing the Intermodal Safe Container Act of 1992 is set forth on the face of this bill of lading. The shipper name herein is the tendering party.

Haz	Container		Total Quantity	Unit Wt/Vol	Description of Materials, Special Marks, and Exceptions
	No.	Type			
Yes	1	CF	30	Each	4foot Environmentally Hazardous Substance, solid (fluorescent bulbs)

Shipper : Praxair-Texas City

Per: Marilyn Hall Signature: _____ Date: 5/4/09

Carrier : CES Environmental Services, Inc.

Per: LOREN THOMAS Signature: Loren Thomas Date: 5/4/09

Receiving Facility : CES Environmental Services, Inc.

Per: SAM BROWN Signature: SR Date: 5-4-09

White (Generator Return Copy)

Yellow (Transporter Copy)

Pink (Receiving Facility Copy)

Golden Rod (Generator 1st Copy)

EPAHQ001001150

**CES Environmental
Services, Inc.**

Bill Of Lading # :

70155

Folder ID : Praxair-Texas City
Universal waste

Original - Shipper Provided Short Form Straight Bill of Lading - Not Negotiable - Domestic

SHIPPED FROM :

Praxair-Texas City
1720 Grant Ave
Texas City, TX 77590
(409) 643-5610

ces profile #

11a) 1985
11b) 1984
11c)
11c)

The property described below, in apparent good order, except as noted (content and condition of packages unknown), marked, consigned, and destined as indicated below, which said carrier (the word carrier being understood throughout this as meaning any person or corporation authorized to be in possession of the property under the contract) agrees to carry to its unusual place of delivery at said destination, if on its route, otherwise to deliver to another carrier on the route to said destination. This Bill of Lading is a receipt for goods; it is not of itself a contract of carriage. It is mutually agreed, as to each carrier of all or as to any said over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the terms and conditions contained in the applicable contract between shipper and carrier or intermediary.

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CONSIGNEE TO :

CES Environmental Services, Inc.
4904 Griggs Rd.
Houston, TX 77021

CARRIER :

CES Environmental Services, Inc.
4904 Griggs Rd.
Houston, TX 77021

This is to certify that the product stated below are properly classified, described, packaged, marked and labeled and is in proper condition for transportation according to the applicable regulations of the Department of Transportation. If this Shipment moves between to ports by a carrier by water, the law requires that the Bill of Lading shall state whether it is "carrier's or shipper's weight."

Intermodal Certificate: All information required by Federal Highway Administration regulations at 49 CFR 390.54b implementing the Intermodal Safe Container Act of 1992 is set forth on the face of this bill of lading. The shipper name herein is the tendering party.

Haz	Container		Total Quantity	Unit Wt/Vol	Description of Materials, Special Marks, and Exceptions
	No.	Type			
Yes	box	CF	1	Each	Environmentally Hazardous Substance, solid (fluorescent bulbs)
Yes	gal bucket	DF	1	Each	Environmentally Hazardous Substance, solid (waste batteries)

Shipper : Praxair-Texas City

Per : _____ Signature : _____ Date : _____

Carrier CES Environmental Services, Inc.

Per : Gregory Lawrence Signature : *Gregory Lawrence* Date : 08/15/08

Receiving Facility CES Environmental Services, Inc.

Per : Gode/roy Signature : *[Signature]* Date : 08/15/08

White (Generator Return Copy)

Yellow (Transporter Copy)

Pink (Receiving Facility Copy)

Golden Rod (Generator 1st Copy)

**CES Environmental
Services, Inc.**

Bill Of Lading #: 71282

Folder ID : Praxair-Texas City
Universal waste

Original - Shipper Provided Short Form Straight Bill of Lading - Not Negotiable - Domestic

SHIPPED FROM :

CES Environmental Services, Inc.
4904 Griggs Rd
Houston, TX 77021
(713) 676-1460

ces profile #

11a)
11b)
11c)
11c)

The property described below, in apparent good order, except as noted (content and condition of packages unknown), marked, consigned, and destined as indicated below, which said carrier (the word carrier being understood throughout this as meaning any person or corporation authorized to be in possession of the property under the contract) agrees to carry to its usual place of delivery at said destination, if on its route, otherwise to deliver to another carrier on the route to said destination. This Bill of Lading is a receipt for goods; it is not of itself a contract of carriage. It is mutually agreed, as to each carrier of all or as to any said over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the terms and conditions contained in the applicable contract between shipper and carrier or intermediary.

For payment: Charges to be billed to Shipper or the "Billed to" party are set forth in the governing contract with Shipper. No charges other than those contained therein may be billed to Shipper or the "Billed to" party without prior written consent of Shipper. The extra copy of this Bill of Lading, furnished at the time of shipment, must be attached to the freight bill submitted to Shipper or the "Billed to" party and sent to:

CONSIGNEE TO :

Praxair-Texas City
1720 Grant Ave
Texas City, TX 77590

CARRIER :

CES Environmental Services, Inc.
4904 Griggs Rd.
Houston, TX 77021

This is to certify that the product stated below are properly classified, described, packaged, marked and labeled and is in proper condition for transportation according to the applicable regulations of the Department of Transportation. If this Shipment moves between to ports by a carrier by water, the law requires that the Bill of Lading shall state whether it is "carrier's or shipper's weight."

Intermodal Certificate: All information required by Federal Highway Administration regulations at 49 CFR 390.546 implementing the Intermodal Safe Container Act of 1992 is set forth on the face of this bill of lading. The shipper name herein is the tendering party.

Haz	Container		Total Quantity	Unit Wt/Vol	Description of Materials, Special Marks, and Exceptions
	No.	Type			
No	1	CF	Each		cy box
No	1	DF	Each		5 gallon bucket

Shipper: CES Environmental Services, Inc.

Per: _____ Signature: _____ Date: _____

Carrier: CES Environmental Services, Inc.

Per: _____ Signature: _____ Date: _____

Receiving Facility: Praxair-Texas City

Per: _____ Signature: _____ Date: _____

White (Generator Return Copy)

Yellow (Transporter Copy)

Pink (Receiving Facility Copy)

Golden Rod (Generator 1st Copy)

EPAHO001001163

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator ID Number TXD008073421		2. Page 1 of 1		3. Emergency Response Phone (281) 478-1563		4. Manifest Tracking Number 005591328 JJK			
		5. Generator's Name and Mailing Address Praxair (Deer Park) PO Box 250 Deer Park, TX 77536 Generator's Phone: (281) 478-1563		State ID: 30296		Generator's Site Address (if different than mailing address) Praxair (Deer Park) 622 Tidal Road Deer Park, TX 77536 (281) 478-1563					
6. Transporter 1 Company Name CES Environmental Services, Inc.		State ID 30900		U.S. EPA ID Number TXD008950461							
7. Transporter 2 Company Name				U.S. EPA ID Number							
8. Designated Facility Name and Site Address CES Environmental Services, Inc. 4904 Griggs Rd. Houston TX, 77021 Facility's Phone: (713) 676-1460		State ID 30900		U.S. EPA ID Number TXD008950461							
GENERATOR	9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))				10. Containers		11. Total Quantity	12. Unit WL/Vol.	13. Waste Codes	
		Non-RCRA/Non DOT regulated material (spent carbon)				No.	Type				
						1	CM	26500	F	00174041	
14. Special Handling Instructions and Additional Information Carbon Removal CES Job # - 80965 30551962											
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.											
Generator's/Offoror's Printed/Typed Name George Johnson											
Signature <i>George Johnson</i>											
Month Day Year 12 4 09											
INTL	16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: _____ Date leaving U.S.: _____										
	17. Transporter Acknowledgment of Receipt of Materials										
	Transporter 1 Printed/Typed Name J. Hernandez										
TRANSPORTER	Signature <i>J. Hernandez</i>										
	Month Day Year 12 4 09										
	Transporter 2 Printed/Typed Name										
DESIGNATED FACILITY	18. Discrepancy										
	18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection										
	Manifest Reference Number: _____										
	18b. Alternate Facility (or Generator) U.S. EPA ID Number										
	Facility's Phone: _____										
18c. Signature of Alternate Facility (or Generator) Month Day Year											
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)											
1. H132 2. 3. 4.											
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a											
Printed/Typed Name SAM BROWN											
Signature <i>SAM BROWN</i>											
Month Day Year 12 4 09											

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator ID Number TXD008073421	2. Page 1 of 1	3. Emergency Response Phone (281) 478-1563	4. Manifest Tracking Number 005591282 JJK				
5. Generator's Name and Mailing Address Praxair (Deer Park) PO Box 250 Deer Park, TX 77536 Generator's Phone: (281) 478-1563		State ID: 30296		Generator's Site Address (if different than mailing address) Praxair (Deer Park) 622 Tidal Road Deer Park, TX 77536 (281) 478-1563					
6. Transporter 1 Company Name CES Environmental Services, Inc.		State ID 30900		U.S. EPA ID Number TXD008950461					
7. Transporter 2 Company Name				U.S. EPA ID Number					
8. Designated Facility Name and Site Address BFI Gulfwest Landfill 2601 Jenkins Rd Anahuac, TX, 77514 Facility's Phone: (409) 267-6666		State ID 39039		U.S. EPA ID Number N/A					
9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))		10. Containers		11. Total Quantity	12. Unit Wt./Vol.	13. Waste Codes		
			No.	Type					
	Non-RCRA/Non DOT regulated waste solids (carbon)		1	CM	26,500 lbs	P	00174041		
	2.								
	3.								
4.									
14. Special Handling Instructions and Additional Information Folder ID : Praxair (Praxair - Deer Park) Carbon Removal 1) L55Y52821 2) 3) 4) ID 30296		BFI # CES Job # - 79170 CES PG # 30351962							
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.									
Generator's/Officer's Printed/Typed Name George Johnson		Signature <i>George Johnson</i>		Month 12		Day 4		Year 19	
16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S.		Port of entry/exit: Date leaving U.S.:							
17. Transporter Acknowledgment of Receipt of Materials		Transporter 1 Printed/Typed Name J. Hernandez		Signature <i>J. Hernandez</i>		Month 02		Day 04	
		Transporter 2 Printed/Typed Name		Signature		Year 09			
18. Discrepancy									
18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input checked="" type="checkbox"/> Full Rejection		expired profile							
18b. Alternate Facility (or Generator)		Manifest Reference Number: 005591328JJK U.S. EPA ID Number							
Facility's Phone:									
18c. Signature of Alternate Facility (or Generator)		Month Day Year							
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)									
1. H132		2.		3.		4.			
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a									
Printed/Typed Name		Signature		Month Day Year					

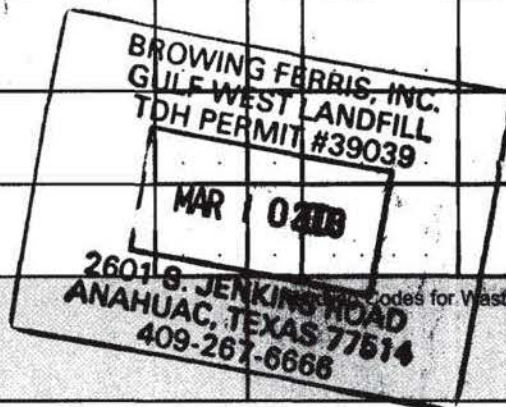
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY
P.O. Box 13087
Austin, Texas 78711-3087




Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form approved. OMB No. 2050-0039.

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. TXR0008073421	Manifest Document No. 11210	2. Page 1 of	Information in the shaded areas is not required by Federal law.
3. Generator's Name and Mailing Address PAXAIR, INC PO BOX 250 DEER PARK TX 77536			A. State Manifest Document Number 3027835		
4. Generator's Phone (281) 478-1546			B. State Generator's ID 30296		
5. Transporter 1 Company Name C&S Environmental		6. US EPA ID Number TXR0000035816		C. State Transporter's ID 86211	
7. Transporter 2 Company Name		8. US EPA ID Number		D. Transporter's Phone 713 676 1416	
9. Designated Facility Name and Site Address BFI Gulf West 2601 Jenkins Rd. ANAHUAC, TX 77514		10. US EPA ID Number N/A		E. State Transporter's ID	
				F. Transporter's Phone	
				G. State Facility's ID	
				H. Facility's Phone	
11A. HM	11. US DOT Description (including Proper Shipping Name, Hazard Class, ID Number and Packing Group)		12. Containers No.	13. Total Quantity	14. Unit Wt/Vol
	a. WASTE CARBON CLASS 1, NON HAZARDOUS		01	12,280 lbs.	P
	b.				
	c.				
	d.				
J. Additional Descriptions for Materials Listed Above					
15. Special Handling Instructions and Additional Information BFI Approval TX/274/030911/235772					
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packaged, marked, and labelled/placarded, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations, including applicable state regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.					
Printed/Typed Name EDGAR AUBRY		Signature <i>[Signature]</i>		Month Day Year 03/03/03	
17. Transporter 1 Acknowledgement of Receipt of Materials		Printed/Typed Name JOE CARRILLO		Signature <i>[Signature]</i>	
				Date 03/10/03	
18. Transporter 2 Acknowledgement of Receipt of Materials		Printed/Typed Name		Signature	
				Date Month Day Year	
19. Discrepancy Indication Space 2000 gal ÷ 202 = 10 Yds.					
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.					
Printed/Typed Name Joan Hancock		Signature <i>[Signature]</i>		Date 3/10/03	




CES Environmental Services, Inc.
 4904 Griggs Rd.
 Houston, TX 77021
 Phone: (713) 676-1460
 Fax: (713) 676-1676

Invoice

Date	Invoice #
4/3/2003	6541

Bill To:
Praxair, Inc. Invoice Auditing Dept. P.O. Box 808 Tonawanda, NY 14151-0808

		P.O. No.	Terms	Project	
			Net 30		
Quantity	Description	Manifest #	Rate	Amount	
7.5	Air machine with operator for removal of carbon from vessel on 03/10/03. 7.5 hrs @ \$95.00 per hr.		95.00	712.50	
	5% Fuel Surcharge		35.63	35.63	
50	Job Materials: 50 ft flex hose @ \$2.00 per ft.		2.00	100.00T	
	Sales Tax		8.25%	8.25	
We appreciate your business!		Total:		\$856.38	

Late Payment Policy: Any unpaid balances after 60 days will accrue a monthly interest rate of 1.5%.



**CES Environmental
Services, Inc.**

COPY

Invoice

4904 Griggs Road
Houston, TX 77021
Phone: (713) 676-1460
Fax: (713) 676-1676

Date	Invoice #
1/16/2007	31220

Bill To: Praxair, Inc.
Invoice Auditing Dept.
P.O. Box 808
Tonawanda, NY 14151-0808

P.O. No.	Terms	Project
30229386	Net 30	

Quantity	Description	Manifest #	Rate	Amount
6.25	1/12/07 Air machine w/Operator for removal of spent carbon from vessel @ \$105.00 per hour		105.00	656.25
	16% Fuel Surcharge		105.00	105.00
6.25	Field Technician @ \$30.00 per hour		30.00	187.50
2	Job materials: PPE 2 men @ \$30.00 per man / per day		30.00	60.00
50	Job materials: Flex Hose @ \$2.00 per ft.		2.00	100.00
	CES job #33738			

We appreciate your business!

Subtotal \$1,108.75

Late Payment Policy: Any unpaid balances beginning on the 30th day after the account is due will accrue a per annum interest rate of 6%, unless otherwise stated in a formalized contract.

Sales Tax (8.0%) \$0.00

Total \$1,108.75

EPAHO045002453

ENCLOSURE 3
GENERAL NOTICE LETTER REGARDING
CES ENVIRONMENTAL SERVICES, INC.- HOUSTON
HOUSTON, HARRIS COUNTY, TEXAS

ENTITIES TO WHICH THIS GENERAL NOTICE WILL BE MAILED

The Lubrizol Corporation
Advanced Aromatics, L.P
AMTEX Machine Products, Inc.
Andergauge Drilling Systems
Arkema Inc.
Ball Corporation
Canrig Drilling Technology Ltd.
Century Asphalt (Humble) d/b/a for Baytown Asphalt Materials, Ltd.
Champion Technologies (Merged into Nalco Company)
Citgo Petroleum Corporation (Citgo Refinery)
Cross Oil & Refining & Marketing, Inc..
Dover Corporation - Cook Compression (C Lee Cook)
Evalca Company of America
KMCO, Inc. (new name is Ramsey Properties, L.P.)
PGI International. LTD (merged into Parker-Hannifin Corporation)
Philip Reclamation Services Houston , LLC
Plaquemine Point Shipyard, Sunshine, LA
PPG Industries, Inc.
Praxair, Inc.
Proler Southwest
Quest Chemical Corporation
RasGas in Qatar @ KMTEX
Sierra Chemical Corporation
Skyhawk Chemicals, Inc.
Smithfield BioEnergy, LLC
Sun Coast Resources , Inc.
T. T. Barge Mile (Barge Mile 183, 237)
T. T. Barge Cleaning Mile 183, Inc. (d/b/a T.T. Barge [Mile 183])
T. T. Barges Services Mile 237 LLC (d/b/a T T Barge Mile [Barge Mile 237])
T.T. Barge (Mile 237)
T3 Energy Services-Cypress
Taber Extrusions
Targa Midstream Services LP
Tenaris Coiled Tube, LLC (Beitway 8) a-k-a Precision Tube
Texas Oil Tools, NOV (Conroe)

Texas Water Management

Total Petrochemicals, Inc. - Port Arthur

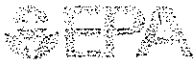
Transmontaing Product Service

Valero Refining-Texas, L.P. (d/b/a Valero Refining Co of Texas)

ZaCh System Corporation (Ampac)

ENCLOSURE 4
GENERAL NOTICE LETTER REGARDING
CES ENVIRONMENTAL SERVICES, INC.- HOUSTON
HOUSTON, HARRIS COUNTY, TEXAS

SMALL BUSINESS RESOURCES FACT SHEET



Office of Enforcement and Compliance Assurance
INFORMATION SHEET

U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance resources such as workshops, training sessions, hotlines, websites, and guides to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Compliance Assistance Centers

(www.assistancecenters.net)

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers that provide information targeted to industries with many small businesses.

Agriculture

(www.epa.gov/agriculture or 1-888-663-2155)

Automotive Recycling Industry

(www.ecarcenter.org)

Automotive Service and Repair

(www.ccar-greenlink.org or 1-888-GRN-LINK)

Chemical Industry

(www.chemalliance.org)

Construction Industry

(www.cicacenter.org or 1-734-995-4911)

Education

(www.campuserc.org)

Healthcare Industry

(www.hercenter.org or 1-734-995-4911)

Metal Finishing

(www.nmfrc.org or 1-734-995-4911)

Paints and Coatings

(www.paintcenter.org or 1-734-995-4911)

Printed Wiring Board Manufacturing

(www.pwborc.org or 1-734-995-4911)

Printing

(www.pneac.org or 1-888-USPNEAC)

Transportation Industry

(www.transource.org)

Tribal Governments and Indian Country

(www.epa.gov/tribal/compliance or 202-564-2516)

US Border Environmental Issues

(www.bordercenter.org or 1-734-995-4911)

The Centers also provide State Resource Locators

(www.envcap.org/statetools/index.cfm) for a wide range of topics to help you find important environmental compliance information specific to your state.

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page

www.epa.gov

Small Business Gateway

www.epa.gov/smallbusiness

Compliance Assistance Home Page

www.epa.gov/compliance/assistance

Office of Enforcement and Compliance Assurance

www.epa.gov/compliance

Voluntary Partnership Programs

www.epa.gov/partners



U.S. EPA SMALL BUSINESS RESOURCES

Hotlines, Helplines & Clearinghouses

(www.epa.gov/epahome/hotline.htm)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. A few examples are listed below:

Clean Air Technology Center

(www.epa.gov/ttn/catc or 1-919-541-0800)

Emergency Planning and Community Right-To-Know Act

(www.epa.gov/superfund/resources/infocenter/epcra.htm or 1-800-424-9346)

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information.

(www.epa.gov/sbo or 1-800-368-5888)

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers.

(www.epa.gov/clearinghouse)

National Response Center to report oil and hazardous substance spills.

(www.nrc.uscg.mil or 1-800-424-8802)

Pollution Prevention Information Clearinghouse

(www.epa.gov/opptintr/ppic or 1-202-566-0799)

Safe Drinking Water Hotline

(www.epa.gov/safewater/hotline/index.html or 1-800-426-4791)

Stratospheric Ozone Refrigerants Information

(www.epa.gov/ozone or 1-800-296-1996)

Toxics Assistance Information Service also includes asbestos inquiries.

(1-202-554-1404)

Wetlands Helpline

(www.epa.gov/owow/wetlands/welline.html or 1-800-832-7828)

State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information or the following two resources:

EPA's Small Business Ombudsman

(www.epa.gov/sbo or 1-800-368-5888)

Small Business Environmental Homepage

(www.smallbiz-enviroweb.org or 1-724-452-4722)

Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated,

businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses:

The Small Business Compliance Policy

(www.epa.gov/compliance/incentives/smallbusiness)

Audit Policy

(www.epa.gov/compliance/incentives/auditing)

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an SBA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System (NAICS) designation, number of employees, or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.